

Ordinance No. 17333-12-2006

AN ORDINANCE INCREASING ESTIMATED RECEIPTS AND APPROPRIATIONS IN THE GRANTS FUND IN THE AMOUNT OF \$422,820, FROM AVAILABLE FUNDS, FOR THE PURPOSE OF EXECUTING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE MAGNOLIA AVENUE RAILROAD CROSSING PROJECT; PROVIDING FOR A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That in addition to those amounts allocated to the various City departments for Fiscal Year 2006-2007 and in the Budget of the City Manager, there shall also be increased estimated receipts and appropriations in the Grants Fund in the amount of \$422,820, from available funds, for the purpose of executing a Local Project Advance Funding Agreement for the Magnolia Avenue Railroad Crossing Project.

SECTION 2.

That should any portion, section or part of a section of this ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this ordinance, which said remaining provisions shall be and remain in full force and effect.

SECTION 3.

That this ordinance shall be cumulative of Ordinance No. 17142 and all other ordinances and appropriations amending the same except in those instances where the provisions of this ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

SECTION 4.

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

  
Assistant City Attorney

ADOPTED AND EFFECTIVE: December 19, 2006

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

---

**COUNCIL ACTION: Approved on 12/19/2006 - Ordinance No. 17333-12-2006**

---

**DATE:** Tuesday, December 19, 2006  
**LOG NAME:** 20MAGNOLIA AVE

**REFERENCE NO.:** C-21909

**SUBJECT:**

Authorize Execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation and a Railroad Crossing Closure Agreement with TxDOT, BNSF Railway, and Union Pacific Railroad for the Magnolia Avenue Railroad Crossing Project and Adopt Appropriation Ordinance

---

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize the City Manager to execute a Local Project Advance Funding Agreement (LPAFA) for the Magnolia Avenue Railroad Crossing Project with the Texas Department of Transportation (TxDOT) in the amount of \$422,820;
2. Authorize the City Manager to accept \$338,256 in federal funds from the North Central Texas Council of Governments (NCTCOG) Railroad Crossing Reliability Partnership Program for this project;
3. Authorize the City Manager to accept a donation of \$30,000 from the Union Pacific Railroad for use towards the local match to the Grant Fund;
4. Authorize the City Manager to accept a donation of \$25,000 from the BNSF Railway for use towards the local match to the Grant Fund;
5. Approve the transfer of \$7,064 from the 2004 Street Light and Signal Improvement Fund to the Grant Fund towards the City's twenty percent match;
6. Authorize the City Manager, to enter into a Highway-Railroad Grade Crossing Consolidation and Closure Agreement with the TxDOT, the BNSF Railway and the Union Pacific Railroad in which TxDOT would reimburse the City up to \$22,500 to be used towards the local match to the Grant Fund;
7. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Grant Fund by \$422,820; and
8. Authorize payment in the amount of \$3,564 to TxDOT representing the initial installment of the City's participation according to the LPAFA.

**DISCUSSION:**

The 2004 Capital Improvement Program (CIP) includes funds in the amount of \$9,000,000 for Traffic Signals of which \$600,000 was designated for the Railroad Safety Program. Total local match for this agreement is \$84,564 which will be shared by several local entities, i.e., \$30,000 from Union Pacific Railroad; \$25,000 from BNSF Railway Company; \$22,500 from reimbursement from TxDOT; and the City's

portion of \$7,064 which will be from the 2004 CIP Railroad Safety Program funds.

In 2003 the Regional Transportation Council set aside federal funds to improve the safety of railroad crossings in the Fort Worth-Dallas area. In a call-for-projects under the North Central Texas Council of Government's (NCTCOG) Railroad Crossing Reliability Partnership Program, the Transportation and Public Works department (TPW) submitted thirteen railroad safety and quiet zone project proposals (M&C G-14128). As a result, the City of Fort Worth was awarded four of the projects, capturing 61 percent of the program's total available funds.

The Magnolia Avenue Railroad Crossing project is to solve a chronic problem of trains that block Magnolia Avenue and restrict access to the nearby properties. Because of the rail congestion at Tower 55, stopped trains have been noted to block Magnolia Ave thirty-five percent of the time. This project is to construct a new route to the businesses and then close all three grade crossings. The local businesses are supportive of the plan, and the Union Pacific and the BNSF Railway have committed funds to pay most of the grant's required local matching funds. Once the road closures are complete, this area will effectively have a quiet zone since rail crossings will no longer exist.

For this project and the other three city projects awarded in the NCTCOG railroad program, TPW intends to engage a consultant to assist with project management, conduct public meetings, coordinate design and construction with the railroad companies, prepare railroad and roadway design, prepare project documentation, and conduct construction oversight. TPW staff will manage the project and construct certain improvements. TPW will also initiate construction contracts for railroad and roadway projects.

This project is located in COUNCIL DISTRICT 8.

#### **FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that upon approval of above recommendations and adoption of the attached appropriation ordinance, funds will be available in the current capital budget, as appropriated, of the Grant Fund.

#### **TO Fund/Account/Centers**

2) GR76 451942 020302159000	\$324,000.00
3) GR76 451968 020302159000	\$30,000.00
4) GR76 451995 020302159000	\$25,000.00
5) GR76 472201 020302159000	\$7,064.00
6) GR76 451942 020302159000	\$22,500.00
7) GR76 5 VARIOUS 020302159010	\$422,820.00
2)GR76 451962 020302159000	\$14,256.00

#### **FROM Fund/Account/Centers**

5) C201 538070 208750059580	\$7,064.00
8) GR76 541200 020302159010	\$3,564.00

---

**Submitted for City Manager's Office by:**

Marc Ott (6122)

**Originating Department Head:**

Robert Goode (7801)

**Additional Information Contact:**

Russell Wiles (7978)

---